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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,369	08/15/2001	Alexander L. Kormos	004578.1182	3479

7590 06/19/2003

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EXAMINER

BEN, LOHA

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/930,369

Applicant(s)

KORMOS ET AL

Examiner

LOHA BEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 9, 19, 20, 27, 28, and 30 is/are rejected.
- 7) ☒ Claim(s) 2-7, 10-18, 21-26, and 29 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Loha Ben  
Primary Examiner

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## **DETAILED ACTION**

### ***Response to Arguments***

Please note that the Information Disclosure Statement dated December 30, 2002 was not matched with the case until after the Office action dated January 14, 2003 had been mailed out.

As regards the anticipation by Oikawa, the argument thereon has now become moot due to new ground of rejection based on Tsuneo ( Abstract of JP 09185012 ), art cited in IDS dated December 30, 2002.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claims 1, 8, 9, 19, 20, 27, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuneo.

As regards claim 1, Tsuneo teaches an apparatus comprising a head-up display including an image source ( 2 ) and an optical structure ( M1, M2 ) including first and second reflection surfaces having first and second reflection characteristics which are different from each other, and being selectively operable in first and second modes, where the projected image formation is set to be distant or close. Such characteristics can be interpreted to be the curvatures of

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M1 and M2 of Tsuneco, **as now broadly claimed** ( not as detailed as disclosed on page 13, lines 6-23 of the specification where the characteristic link between the windshield and the reflective surfaces is seen ).

As regards claim 8, Tsuneco teaches that the reflections at M1 and M2 are independent from each other.

As regards claim 9, Tsuneco teaches a part ( 3 ) which has first and second reflective surfaces ( M1, M2 ) which is supported for movement between first and second positions in respective first and second modes of operation.

As regards claim 19, Tsuneco teaches a windshield ( 4 ) which is served as a reflective surface in cooperation with M1 and M2.

As regards claims 20, 27, 28 and 30, the recitation thereof carries inherent characteristics of apparatus claims 1, 8, 9 and 19 discussed above.

#### ***Allowable Subject Matter***

Claims 2-7, 10-18, 21-26 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The allowable subject matter is noted in claims 2 and 18, for example, where the difference in size of the area of reflection which is associated with the reflection characteristics is seen recited ( claim 2 ), and the configuration of the first and second reflective surfaces to minimize the ambient light from externally of the head-up display which is reflected thereby in a direction toward the image source ( claim 18 ).

#### ***Related Art***

Fikano et al is cited to show vehicular display system forming display image on front windshield.

Koide et al is cited to show vehicular display device for directly and indirectly displaying information.

#### ***Communication***

***Any inquiry concerning this communication should be directed to Loha Ben at telephone number (703)3084820.***

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*The examiner's work schedule is from Monday to Saturday, and generally between 12:00 noon and 8:00 p.m.*

*A receptionist can be reached at (703)308-0956 concerning matter of a general nature.*

*June 13, 2003*



Loha Ben  
Primary Examiner